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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

8 RUDY DEPAZ-ALFONSO,

9 Petitioner,

10 v.

11 UNITED STATES OF AMERICA,

12 Respondent.

Case No. C11-1645-JLR-BAT
(CR10-350-JLR)

**REPORT AND
RECOMMENDATION**

13 Rudy Depaz-Alfonso filed a pro se 28 U.S.C. § 2255 motion in which he sought to
14 “reinstate his appellate rights” to challenge the 27-month sentence he received after pleading
15 guilty to Unlawful Entry by Eluding Examination and Inspection by Immigration Officers. Dkt.
16 1. After reviewing the motion and the government’s response, the Court ordered an evidentiary
17 hearing and appointed counsel. Dkt. 11, 19.

18 On May 31, 2012, Mr. Depaz-Alfonso, his attorney Suzanne Elliot, and Assistant United
19 States Attorney Jerrod Patterson appeared at the scheduled evidentiary hearing. Mr. Depaz-
20 Alfonso indicated that after consulting with his lawyer, he no longer wished to proceed with the
21 action and requested his § 2255 motion be dismissed. The government had no objections to this
22 request. The Court therefore recommends:

- 23 (1) The matter be **DISMISSED** with prejudice;

1 (2) If this recommendation is adopted, it should be approved immediately.

2 A proposed order accompanies this Report and Recommendation. The Clerk shall provide
3 the parties and the Honorable James L. Robart a copy of this Report and Recommendation.

4 DATED this 31st day of May, 2012.

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8 BRIAN A. TSUCHIDA
9 United States Magistrate Judge
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